

AMENDED IN ASSEMBLY AUGUST 24, 2006

AMENDED IN ASSEMBLY AUGUST 14, 2006

AMENDED IN ASSEMBLY AUGUST 7, 2006

AMENDED IN ASSEMBLY JUNE 27, 2006

AMENDED IN SENATE MAY 11, 2006

AMENDED IN SENATE APRIL 19, 2006

AMENDED IN SENATE APRIL 4, 2006

SENATE BILL

No. 1397

Introduced by Senator Lowenthal

February 22, 2006

An act to add Chapter 5.8 (commencing with Section 2697) to Division 2 of the Business and Professions Code, relating to athletic trainers.

LEGISLATIVE COUNSEL'S DIGEST

SB 1397, as amended, Lowenthal. Athletic trainers: ~~certification~~ *registration*.

Existing law provides for the regulation of various professions and vocations, including those of an athlete agent.

This bill would enact the Athletic Trainers ~~Certification~~ *Registration* Act. The act would, except as specified, prohibit a person from representing himself or herself as a "certified athletic trainer," "registered athletic trainer," "athletic trainer," or a variation of these terms, ~~or from using the designation "ATC,"~~ unless he or she is ~~certified~~ *registered* by an athletic training organization, as defined. Violations of this provision would be *an unfair business practice*,

subject to specified penalties, ~~and a 2nd or subsequent violation would be a misdemeanor.~~ The bill would ~~also~~ set forth requirements for an athletic trainer to be ~~certified~~ *registered* with an athletic training organization pursuant to the act. The bill would *also* make it an unfair business practice for a registered athletic trainer to advertise or put out any sign or card or other device, or to represent to the public through any print or electronic media that he or she is “state certified” or “state registered” as an athletic trainer or to represent to the public that he or she is so certified or registered as an athletic trainer by the State of California.

~~Because the bill would create a new crime, it would impose a state-mandated local program.~~

~~The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.~~

~~This bill would provide that no reimbursement is required by this act for a specified reason.~~

Vote: majority. Appropriation: no. Fiscal committee: ~~yes-no~~. State-mandated local program: ~~yes-no~~.

The people of the State of California do enact as follows:

1 SECTION 1. Chapter 5.8 (commencing with Section 2697) is
2 added to Division 2 of the Business and Professions Code, to
3 read:

4
5 CHAPTER 5.8. ATHLETIC TRAINERS

6
7 2697. This chapter shall be known and may be cited as the
8 Athletic Trainers ~~Certification~~ *Registration* Act.

9 2697.1. For purposes of this chapter, the following terms
10 have the following meanings:

11 (a) “Athletic training organization” means a nonprofit
12 organization of certified athletic trainers whose governing board
13 includes representatives of the public and which is either of the
14 following:

15 (1) Exempt from taxation under Section 501(c)(3) of Title 26
16 of the United States Code.

(2) Exempt from taxation under Section 501(c)(6) of Title 26 of the United States Code and does not use its funds or revenues to carry on propaganda or to otherwise attempt to influence legislation or participate in, or intervene in, any political campaign on behalf of, or in opposition to, any candidate for public office, including the publishing or distributing of statements.

(b) “Athletic training certification program” means an athletic training certification program recognized by the National Commission for Certifying Agencies *and* offered by ~~the an~~ athletic training organization.

2697.2. (a) On and after July 1, 2007, a person shall not represent himself or herself as a “certified athletic trainer,” “athletic trainer,” “registered athletic trainer,” or other variation of these terms, ~~or use the designation “ATC,”~~ unless he or she is ~~certified~~ *registered* as an athletic trainer by an athletic training organization pursuant to the provisions of this chapter.

(b) A violation of this section ~~shall be subject to the following penalties:~~

~~(1) A first violation shall be subject to a warning by the athletic training organization.~~

~~(2) A second violation shall be a misdemeanor punishable by a fine of up to one thousand dollars (\$1,000).~~

~~(3) A third or subsequent violation shall be a misdemeanor punishable by a fine of up to one thousand dollars (\$1,000) or by imprisonment in the county jail for not more than six months, or by both that fine and imprisonment. is an unfair business practice.~~

2697.3. (a) ~~In order to be certified~~ *registered* pursuant to this chapter, an athletic trainer shall apply for ~~certification~~ *registration* with an athletic training organization and shall include with his or her application documentation that establishes that he or she has met all of the following requirements:

~~(1) Has graduated~~

~~(a) Has done either of the following:~~

~~(1) Graduated from a college or university after completing an athletic training program accredited by the Commission on Accreditation of Athletic Training Education or an athletic training internship program~~ *its predecessors.*

(2) *Completed requirements for certification eligibility* prior to January 1, 2004.

~~(2)~~

(b) Has passed a certification examination administered by the athletic training certification program.

~~(3)~~

(c) Possesses Emergency Cardiac Care Certification from a certification body that adheres to the most current international guidelines for cardio pulmonary resuscitation and emergency cardiac care.

~~(b) An athletic trainer shall apply for certification with the athletic training organization no later than the latest of the following dates:~~

~~(1) July 1, 2007.~~

~~(2) Upon completion of the certification requirements of an athletic training organization.~~

~~(3) Prior to establishing a practice in which he or she represents himself or herself as an athletic trainer in California.~~

(d) *Met the continuing education requirements as defined by an athletic training organization.*

2697.4. (a) After initial ~~certification~~ *registration*, in order to remain ~~certified~~ *registered* pursuant to this chapter, an athletic trainer shall apply biennially for ~~certification~~ *registration* with ~~the~~ *an* athletic training organization.

(b) Within 30 days of a change of address or employer, an athletic trainer shall notify the athletic training organization of his or her new address or employer.

2697.5. Nothing in this chapter shall prohibit, restrict, or require ~~certification~~ *registration* of any of the following:

(a) An individual employed by the government of the United States as an athletic trainer while engaged in the performance of duties prescribed by the laws of the United States.

(b) A person pursuing a supervised course of study in an accredited or approved athletic training educational program, if the person is designated by a title that clearly indicates student or trainee status.

(c) An athletic trainer from another state for purposes of continuing, education, consulting, or performing athletic training services while accompanying his or her group, individual, or

1 representatives into California on a temporary basis for no more
2 than 90 days in a calendar year.

3 2697.6. It is an unfair business practice for any ~~certified~~
4 *registered* athletic trainer to advertise or put out any sign or card
5 or other device, or to represent to the public through any print or
6 electronic media, that he or she is “state certified” or “state
7 registered” as an athletic trainer, or to use any other words or
8 symbols that represent to the public that he or she is so certified
9 or registered as an athletic trainer by the State of California.

10 SEC. 2.— ~~No reimbursement is required by this act pursuant to~~
11 ~~Section 6 of Article XIII B of the California Constitution because~~
12 ~~the only costs that may be incurred by a local agency or school~~
13 ~~district will be incurred because this act creates a new crime or~~
14 ~~infraction, eliminates a crime or infraction, or changes the~~
15 ~~penalty for a crime or infraction, within the meaning of Section~~
16 ~~17556 of the Government Code, or changes the definition of a~~
17 ~~crime within the meaning of Section 6 of Article XIII B of the~~
18 ~~California Constitution.~~